

## **REMARKS**

### **I. Objection to Form of Amendments**

The Amendment filed December 19, 2001 is objected to as not being in compliance with 37 C.F.R. 1.173(b). No amendment was made in the most recent response filed November 9, 2001 and, therefore, this rejection should be withdrawn.

### **II. Supplemental Reissue Declaration**

The Examiner cites 37 C.F.R. § 1.175(b)(1) and asserts that a supplemental reissue oath/declaration under 37 C.F.R. § 1.175(b)(1) must be received before this reissue application can be allowed. Claims 1-18 are also rejected as being based upon a defective declaration under 35 U.S.C. § 251 for the same reason. As suggested by the Examiner, Applicants submit the enclosed Supplemental Reissue Declaration, which states that "Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

Therefore, the objection and rejection based on a defective reissue declaration should be withdrawn.

### **III. Rejection Under 35 U.S.C. §112, first paragraph**

Claims 1-3, 5-6, 8, 9, 11-12, 14-15, and 17-18 are rejected under 35 U.S.C. § 112, first paragraph. Each of claims 1-2, 5-6, 8, 9, 11-12, 14-15 and 17-18 are cancelled by the above amendment. Therefore, this rejection is moot.

#### **IV. Rejection Based on Obviousness-type Double Patenting**

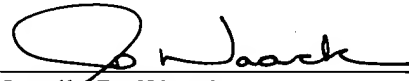
Claims 13-15 are rejected as being unpatentable under the doctrine of obviousness-type double patenting. Claims 14 and 15 are cancelled by the above amendment, so this rejection is moot with regard to those claims. A terminal disclaimer is enclosed with regard to claim 13.

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The Examiner is invited to contact the undersigned attorney with any questions or comments relating to this patent application.

Should any other fee be required for any reason in connection with this Response, the Commissioner is authorized to deduct said fees from Howrey Simon Arnold & White Deposit Account No. 01-2508/11914.0140.NPUS00/WAA.

Respectfully submitted,



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